

**AMENDMENTS TO THE DRAWINGS:**

These drawings replace the previously filed drawings. No new matter has been added.

It should be understood that there is a clearance for the mass to pass under the crank arm as, for example, shown in more exaggerated form in Figure 7, 8 and 12. Figures 2B, 6B, 9, 10, and 11 have now been amended to increase the clearance for the mass such that the suggested “interference” does not appear.

## **REMARKS**

Applicant wishes to thank the Examiner for the detailed remarks. Claims 1 and 18 have been amended and claims 10-12 and 14-17 have been canceled. New claims 19-26 are presented. Accordingly, claims 1-9, 13, 18-26 are pending.

Claims 1-9, 13 and 18 were rejected under 35 U.S.C. §101. It should be understood that the drawings are somewhat schematic but there is a clearance for the mass to pass under the crank arm as, for example, shown in more exaggerated form in Figure 7, 8 and 12. Figures 2B, 6B, 9, 10, and 11 have now been amended to schematically increase the clearance for the mass such that the suggested "interference" does not appear.

Claims 1-7 and 13 were rejected under 35 U.S.C. §102(b) as being anticipated by *Tripp* (2688896). Applicant respectfully traverses this rejection. *Tripp* discloses a celestial navigation instrument which is essentially a multiple-star sextant. "In order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned." *In re Oetiker*, 977 F.2d 1443, 1446, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992). A celestial navigation instrument is wholly unrelated to the present invention of a force generator which produces large, controllable, vibratory forces to compensate for sensed noise or vibrations, and more particularly to a force generator which is part of an active vibration control (AVC) system for an aircraft. *Tripp* is nonanalogous art.

Moreover, *Tripp* is not in Applicant's field of endeavor and is not reasonably pertinent to the particular problem that the applicant has solved. One would *never* look to the field of celestial navigation instruments to provide a force generator which produces large, controllable, vibratory forces. A celestial navigation instrument is an exceedingly delicate instrument which certainly prefers a steady platform to achieve simultaneous alignment between elements for the

instrument and the two lines of sight from the instrument to the chosen bodies. This is not the least related to providing large, controllable, vibratory forces. *Tripp* is not analogous art and the claims are properly allowable for this reason alone.

Even if *Tripp* is considered analogous art, *Tripp* cannot meet the mass located at a circumference of said second circular member to generate a vibratory inertial force limitation of the claims. The Examiner attempts to suggest that the mass element is disclosed by element 413. However, element 413 is disclosed as a “crank pin 413.” While it is well settled that terms in a claim are to be given their broadest reasonable interpretation in proceedings before the PTO, this interpretation must be consistent with the specification, with the claim language being read in light of the specification as it would be interpreted by one of ordinary skill in the art. *In re Bond*, 910 F.2d 831, 833, 15 USPQ2d 1566, 1567 (Fed Cir. 1990); *In re Sneed*, 710 f.2d 1544, 1548, 218 USPQ 385, 388 (Fed Cir. 1983).

Here, the Examiner is suggesting an interpretation that specifically contradicts and is not consistent with the specification of *Tripp*. Specifically, *Tripp* does not disclose a mass in any way but a simple pin which is at best of minimal weight. Furthermore, the crank pin 413 cannot be of such significant weight to generate a vibratory inertial force as such force would be anathema to a delicate instrument which must remain stable so as to achieve simultaneous alignment between elements for the instrument and the two lines of sight from the instrument to the chosen bodies. All claims are properly allowable.

Claim 8 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Tripp* in view of *Fernandes* (5833567). Claim 17 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Tripp* in view of *Vincent* (5853144). As each of these rejections utilize *Tripp* as the primary reference, these claims are properly allowable for at least the reasons discussed above.

New claims 19-26 recite further features of the present invention which are neither disclosed nor suggested by the cited references and are thus properly allowable.

The amendments made to the specification and the claims are not connected in any way to any rejection in this application.

Applicant believes that no additional fees are required; however, should any additional fees or extensions of time be required, the Commissioner is authorized to charge Deposit Account No. 50-1482, in the name of Carlson, Gaskey & Olds.

Applicant respectfully submits that this case is in condition for allowance. If the Examiner believes that a teleconference will facilitate moving this case forward to being issued, Applicant's representative can be contacted at the number indicated below.

Respectfully Submitted,

**CARLSON, GASKEY & OLDS, P.C.**



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DAVID L. WISZ

Registration No. 46,350

Attorneys for Applicant

400 West Maple, Suite 350

Birmingham, Michigan 48009

(248) 988-8360

Dated: November 15, 2005